

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON V. HILL,

Plaintiff,

No. 2:22-cv-1603 KJM AC P

v.

MARTINI, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiff, a civil detainee, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an in forma pauperis affidavit in which he indicates that he has no cash. ECF No. 9 at 3. However, plaintiff's trust account statement reflects that he has a balance of \$4,656.90. ECF No. 10.

The court may authorize the commencement of an action "without prepayment of fees or security therefor" by an individual who submits an application evidencing an inability to pay such fees or give security therefor. 28 U.S.C. § 1915(a). Plaintiff has made an inadequate showing of indigency in the application before the court. It will therefore be recommended that the application to proceed in forma pauperis be denied and that plaintiff be required to pay the \$402.00 before this action can proceed.

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motion for leave to proceed in forma pauperis (ECF No. 9) be DENIED.

2. Plaintiff be given thirty days to pay the filing fee or face dismissal of the case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: October 18, 2022

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE